

Reporting Juvenile Arrests through the New York State Crime Reporting Program

Presentation available at http://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/ucr_training.htm

Q1: What are the definitional requirements for reporting a juvenile arrest through the NYS Crime Reporting program?

A1: New York State follows the guidance in the Uniform Crime Reporting (UCR) handbook issued by the Federal Bureau of Investigation (FBI):

“An agency must score a juvenile arrest when the circumstances are such that if the individual were an adult, an arrest would have been counted for UCR purposes. The reporting agency must score a juvenile arrest opposite the classification of the offense for which the juvenile was taken into custody. Agencies must not score, as an arrest, those incidents in which police contact a juvenile who has committed no offense or those situations in which police take a juvenile into custody for his or her own protection.

Agencies must include on the form only violations by young persons where some police or official action is taken beyond a mere interview, warning, or admonishment.”

- *FBI, Uniform Crime Reporting Handbook (2004)*

The reporting criteria defined by the FBI are designed to capture the criminal activity of juveniles, and are not intended to track court or formal arrest actions. Similar to adult arrests, juvenile arrests are collected to identify the types of reportable offenses being committed by age, race, and gender, and should only be counted when a UCR reportable offense has been recorded.

The additional guidance provided below by New York State clarifies and reinforces what information should be captured. These guidelines are also published on page 15 of the *NYS Supplement to the FBI UCR Handbook*. This handbook can be found at:

http://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/ucr_refmanuals.htm

For UCR reporting purposes, a juvenile “arrest” must be counted when a police officer has probable cause to believe that a youth more than 7 and less than 18 years of age has committed a UCR offense and is either

- taken into custody, or
- issued an appearance ticket.

The term “taken into custody” means that the juvenile is no longer free to leave, regardless of whether he or she is handcuffed, placed in a police vehicle, or brought to a police station. By extension this would include cases in which a juvenile is a) taken directly to Family Court or secure detention, b) given an appearance ticket, or c) warned and released without further action. The key factor for counting an arrest is police intervention where there is probable cause to believe that the juvenile has engaged in behavior that constitutes a UCR offense. All instances where a UCR offense was believed to have been committed should be counted as an “arrest” if the juvenile was taken into custody, issued an appearance ticket, or warned and released without further action for that crime. Police contact with a juvenile where no UCR offense was believed to be committed should not be counted as an “arrest.”

Q2: Why does New York State recognize anyone under 16 as a juvenile but the National UCR Program recognizes anyone under 18 as a juvenile? Why is it different?

A2: While New York State considers 16 and 17 year olds to be adult in the criminal justice system, the majority of the country considers persons under the age of 18 to be juveniles. Therefore, to ensure national juvenile

arrest statistics are comparable across the county, the Federal UCR program defines a juvenile as a person under the age 18.

Q3: Can DCJS get the juvenile arrest information from agency fingerprint submissions forwarded to DCJS' Computerized History (CCH) System?

A3: No. New York State's CCH does not store information of juvenile arrests. The NYS Crime Reporting program is the only source of statewide juvenile arrest/criminal activity data.

Q4: How do I verify which offenses committed by a juvenile should be reported as an arrest and when should the police disposition be reported?

A4: DCJS has two reference documents that provide the reported offense classifications for applicable New York State laws.

- DCJS Law Section Reference Table
- UCR Cross-Reference Table

These documents are updated periodically as new laws are enacted and can be found at the following link: http://www.criminaljustice.state.ny.us/crimnet/ojsa/crimereporting/ucr_refmanuals.htm. Only those offenses classified as a UCR defined offense should be reported as an arrest.

The police disposition information is used to indicate how the under 16 year old juveniles that were reported on the UCR "*Age, Sex, Race and Ethnic Origin of Persons Arrested (Under 18 years of age)*" report were handled by the submitting agency.

Q5: Why doesn't the reporting agency score an arrest for those juveniles who committed an offense and are referred to another jurisdiction for processing?

A5: Agencies should only use the police disposition "Referred to Other Police Agency" when the juvenile was taken into custody at the request of another jurisdiction or when the juvenile committed a crime in one jurisdiction and is being turned over to their home jurisdiction for further action. In both situations, the juvenile arrest would be scored by the jurisdiction that he/she is being referred to for processing.

Q6: Should violations, such as trespassing still be reported as a juvenile arrest?

A6: Any offense, including violations, that is outlined as a UCR/IBR offense should be counted as a juvenile arrest.

Q7: Does New York State require submitting agencies to report runaways as juvenile arrests?

A7: No. Runaways are no longer required to be reported through the NYS Crime Reporting Program.

Q8: A juvenile is under 16 and has 3 charges on an arrest report. Should all three charges be reported?

A8: This depends on whether your agency is an IBR or UCR Summary agency. The Summary reporting system uses the UCR hierarchy rule where only the top charge (based on the UCR offense classification) would

be reported. The IBR system collects all reported offenses and arrests in a particular incident, regardless of the top charge.

Note for Summary Reporting Agencies: The reported arrest data is an arrestee count and not a charge count. Therefore, Summary reporting agencies should be sure to report the number of persons arrested for the top charge of a particular incident.

Q9: What if a complainant does not want a juvenile arrested and we warn them and release them?

A9: In this situation, the case could be closed by Exceptional Means (victim refused to cooperate) and no arrestee information would be required.

Q10: Does this presentation have anything to do with IBR reporting?

A10: Yes. The Crime Reporting Program encompasses both Uniform Crime Reporting (UCR) and Incident-Based Reporting (IBR). While the New York State juvenile arrest training presentation provides specific instruction on how to fill out the UCR “*Age, Sex, Race and Ethnic Origin of Persons Arrested (Under 18 years of age)*” report, the reporting requirements associated with the offense and arrest are the same for both reporting systems.

Q11: Should agencies participating in Incident-Based Reporting (IBR) follow the same definitional requirements outlined for Uniform Crime Reporting (UCR)?

A11: Yes. While the IBR system differs from the UCR system in the level of incident details captured and mode of collection, both crime reporting systems are subject to the same reporting requirements. References to UCR refer to the National Crime Reporting program which includes both IBR and UCR systems.

Q12: Is the Age, Sex, Race (ASR) Report something new that needs to be completed, or is this report data provided through my monthly IBR submission file?

A12: No; this is not a new report form. The ASR is a UCR Report that is required to be submitted each month by Summary reporting agencies. Participating IBR agencies are not required to submit this report as the IBR submission files capture all the required information regarding reported juvenile arrests. However, the IBR submission files are extracted from your agency’s records management system (RMS). Therefore, it is important to determine if your agency’s RMS contains information on juveniles who were informally handled by your agency (i.e. warned and released) for committing a reportable offense. For example, an incident involving a juvenile that commits a petit larceny may not have a corresponding arrest record on your RMS if the juvenile was not formally charged with the offense. If your RMS does not contain arrest records for these types of incidents, it is likely that your agency is under-reporting the criminal activity of juveniles in your jurisdiction.

Agencies that do not generate arrest records for offenses committed by juveniles, where no formal charges were filed, should contact DCJS to discuss alternatives for accurately reporting juvenile arrest information.

Q13: For reporting IBR, should 16 and 17 year old offenders be reported as juveniles or as adults?

A13: The Federal Crime Reporting Program considers persons under the age of 18 as juveniles. The Incident Case Status provided by IBR agencies is used by the New York State Crime Reporting Program to provide the FBI with the number of reported offenses that were cleared by the arrest of a person under the age of 18 (Federally defined juvenile). Therefore, in order to comply with Federal Crime Reporting requirements, DCJS

requires IBR agencies to submit incidents cleared by an arrest of a person under 18 with an Incident Case Status of “*Cleared by Arrest – Juvenile.*”

Important Note: This requirement should not dictate how agencies process and store case level data at the local level. Rather it is a business rule that must be applied to the programming that generates your agency’s IBR submission file.

Q14: What do IBR agencies need to do in order to ensure that incidents cleared by an arrest of a 16 or 17 year old are submitted to DCJS with an Incident Case Status of “*Cleared by Arrest – Juvenile*”?

A14: IBR agencies can either select the case status of “*Cleared by Arrest – Juvenile*” when recording the incident in their records management systems (RMS) or request their RMS vendor to recode the Incident Case Status for those select incidents when generating the IBR extract file.

Q15: My agency has a Youth Court for juveniles, how would this disposition be noted?

A15: In general, police diversion programs, where the juvenile’s disposition is decided independently by the law enforcement agency, fall under “*Handled within Department.*” However, juveniles referred to Youth Courts administered by a court official are to be counted under *Referred to Juvenile Court or Probation Department.* For IBR agencies, a Juvenile Release Status of “*R = Referred to Criminal Court, Juvenile/Family Court, or Probation Intake*” should be used.

Q16: When an agency warns and releases a juvenile; must the agency also do an arrest report even if we are NOT arresting them?

A16: The crime reporting program does not require reporting agencies to complete an arrest report for juveniles that were not charged with an offense. Policies related to how an agency records the clearance of a criminal incident committed by a juvenile is the responsibility of the local agency, and should not be dictated by UCR/IBR reporting requirements.

Federal and State crime reporting requirements are not intended to define how a law enforcement agency manages their records management system (RMS). Rather, in recognition of different policing policies across the state and nation, the Federal Crime Reporting Program’s reporting requirements are meant to standardize those data submitted to the program by reporting agencies. Therefore, for crime reporting purposes, juveniles that are warned and released for committing an UCR/IBR defined offense should be included as an arrest in the agency’s monthly submission file.

Q17: How can an agency provide reported arrest information if no arrest report was completed?

A17: While arrest information regarding juveniles that commit a criminal offense may not be available in an agency’s records management system (RMS), information about the juvenile should exist. In these situations, the programming designed to generate the monthly Summary or IBR submission files should extract the available data to generate the required arrest information.

For IBR agencies, incidents where a juvenile committed a reportable offense and was taken into custody, regardless of formal charges, should be submitted to DCJS with a Case Status of “*Cleared by Arrest – Juvenile.*” An arrestee segment must also be submitted for each juvenile associated with the reported offense(s). If the juvenile is under the age of 16, the reporting agency must provide a Juvenile Release Status in the IBR arrest

segment. For example, a juvenile that was handled informally (i.e. warned and released, released to parents) by the reporting agency would have a Juvenile Release Status of “*Handled within Department.*”

While the same definition of a juvenile arrest applies to Summary reporting agencies, less information is required. Summary reporting agencies are only required to count the number juvenile’s associated with the top offense as the arrestee in the incident. The Summary report form for arrests requires the juvenile’s age, gender, race, and ethnicity by reported offense.

Q18: When I enter 16 and 17 year olds as Cleared by Arrest – Juvenile into SJS, I get a #792 error. When will this be fixed?

A18: SJS is working on an IBR specific patch that will update these errors and correct other IBR edit defects. While no expected release date has been established to date, SJS agencies will be notified by DCJS once it is available.

Q19: Is the DCJS supported Spectrum Justice System (SJS) records management system going to be updated to include all the UCR police dispositions of juveniles for the IBR reporting agencies?

A19: No. The New York State IBR system was developed with fewer options for capturing the police disposition of juvenile arrests. In the IBR system agencies utilize a data element in the arrestee segment entitled “Juvenile Release Status” to indicate whether the juvenile was:

- Handled within the department,
- Referred to criminal court/family court or probation, or
- Diverted to counseling/treatment program

While the first two release statuses correspond to the UCR police dispositions reviewed in the juvenile arrest training presentation, the third IBR release status should be used to indicate those juveniles referred to a community welfare agency.